

Revised 03/06 WDNV

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORKFORM TO BE USED IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983
(Prisoner Complaint Form)

14CV0147A

All material filed in this Court is now available via the INTERNET. See Pro Se Privacy Notice for further information.1. CAPTION OF ACTION

A. **Full Name And Prisoner Number of Plaintiff:** NOTE: If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application and a signed Authorization or the only plaintiff to be considered will be the plaintiff who filed an application and Authorization.

1. Michael F. Ramsey #91B2334

2. _____

-VS-

B. **Full Name(s) of Defendant(s)** NOTE: Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. If you have more than six defendants, you may continue this section on another sheet of paper if you indicate below that you have done so.

1. Brian Fischer4. S. Michalek2. Mark Bradt5. L. Conners3. Michelle Artus6. J. Goodrich7. V. Hawley; 8. Officer Wagner; 9. John Doe #1; 10. John Doe #2; John Doe #32. STATEMENT OF JURISDICTION

This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over the action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4), and 2201.

3. PARTIES TO THIS ACTIONPLAINTIFF'S INFORMATION NOTE: To list additional plaintiffs, use this format on another sheet of paper.Name and Prisoner Number of Plaintiff: Michael F. Ramsey #91B2334Present Place of Confinement & Address: Attica Correctional Facility
Box 149, Attica, New York 14011-0149

Name and Prisoner Number of Plaintiff: _____

Present Place of Confinement & Address: _____

DEFENDANT'S INFORMATION NOTE: To provide information about more defendants than there is room for here, use this format on another sheet of paper.

Name of Defendant: Brian Fischer

(If applicable) Official Position of Defendant: Commissioner of DOCCS

(If applicable) Defendant is Sued in Individual and/or X Official Capacity

Address of Defendant: The Harriman State Campus - Building #2,
1220 Washington Ave, Albany, New York

Name of Defendant: Mark Bradt

(If applicable) Official Position of Defendant: Superintendent of Attica Corr. Facility

(If applicable) Defendant is Sued in X Individual and/or X Official Capacity

Address of Defendant: Attica Correctional Facility, Box 149,
Attica, New York 14011-0149

Name of Defendant: Michelle Artus

(If applicable) Official Position of Defendant: Deputy Superintendent of Administration

(If applicable) Defendant is Sued in X Individual and/or X Official Capacity

Address of Defendant: Attica Correctional Facility

Note: All other named Defendants Address is the
Attica Correctional Facility. See Attached Complaint

4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT

- A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?
Yes X No

If Yes, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): Michael F. Ramsey

Defendant(s): Brian Fischer and Mark Bradt

2. Court (if federal court, name the district; if state court, name the county): Wyoming County
Supreme Court

3. Docket or Index Number: 21,254-12

4. Name of Judge to whom case was assigned: Dadd, A.J.S.C.

5. The approximate date the action was filed: August 20, 2012

6. What was the disposition of the case?

Is it still pending? Yes ☒ No ☐

If not, give the approximate date it was resolved. Appealed to Fourth Department

Disposition (check the statements which apply):

Appellate Division

☐ Dismissed (check the box which indicates why it was dismissed):

☐ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;

☐ By court for failure to exhaust administrative remedies;

☐ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;

☐ By court due to your voluntary withdrawal of claim;

☐ Judgment upon motion or after trial entered for

☐ plaintiff

☐ defendant.

B. Have you begun **any other lawsuits in federal court** which relate to your imprisonment?

Yes ☒ No ☐

If Yes, complete the next section. NOTE: If you have brought more than one other lawsuit dealing with your imprisonment, use this same format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s):

See Attached Complaint

Defendant(s):

2. District Court: _____

3. Docket Number: _____

4. Name of District or Magistrate Judge to whom case was assigned: _____

5. The approximate date the action was filed: _____

6. What was the disposition of the case?

Is it still pending? Yes ☐ No ☐

If not, give the approximate date it was resolved. _____

Disposition (check the statements which apply):

☐ Dismissed (check the box which indicates why it was dismissed):

- ☐ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;
- ☐ By court for failure to exhaust administrative remedies;
- ☐ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;
- ☐ By court due to your voluntary withdrawal of claim;

☐ Judgment upon motion or after trial entered for

- ☐ plaintiff
- ☐ defendant.

5. STATEMENT OF CLAIM

For your information, the following is a list of some of the most frequently raised grounds for relief in proceedings under 42 U.S.C. § 1983. (This list does not include all possible claims.)

- | | | |
|----------------------|------------------------|--------------------------------------|
| • <u>Religion</u> | • Access to the Courts | • Search & Seizure |
| • Free Speech | • False Arrest | • <u>Malicious Prosecution</u> |
| • <u>Due Process</u> | • Excessive Force | • <u>Denial of Medical Treatment</u> |
| • Equal Protection | • Failure to Protect | • Right to Counsel |

Please note that it is not enough to just list the ground(s) for your action. You **must** include a statement of the facts which you believe support each of your claims. In other words, tell the story of what happened to you but do not use legal jargon.

Fed.R.Civ.P. 8(a) states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995).

Fed.R.Civ.P. 10(b) states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

Exhaustion of Administrative Remedies

Note that according to 42 U.S.C. § 1997e(a), "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

You must provide information about the extent of your efforts to grieve, appeal, or otherwise exhaust your administrative remedies, and you must attach copies of any decisions or other documents which indicate that you have exhausted your remedies for each claim you assert in this action.

A. FIRST CLAIM: On (date of the incident) March 30, 2012, Defendant John Doe #2, defendant (give the **name and position held** of each defendant involved in this incident) the Special Housing Unit Sergeant, had Plaintiff moved into a cell where Plaintiff was forced to sleep in urine and feces covered mattress for seven days; did the following to me (briefly state what each defendant named above did): and was deprived of his (Plaintiff's) medication and Religious diet. ~~Brian Fischer~~, Mark Bradt, Michelle Artus, S. Michalek and V. Hawley were involved in this claim. See Attached Complaint.

Plaintiff was deprived of medication from March 30, 2012 until August, 2012, and again from August, 2012 until now as Plaintiff is still being denied his prescribed medication.

The constitutional basis for this claim under 42 U.S.C. § 1983 is: Right to practice Religion and to be free from cruel and unusual punishment

The relief I am seeking for this claim is (briefly state the relief sought): See attached complaint

Exhaustion of Your Administrative Remedies for this Claim:

Did you grieve or appeal this claim? X Yes No If yes, what was the result? see attached Proof of Exhaustion Statement and Exhibits

Did you appeal that decision? X Yes No If yes, what was the result? see Attached

Attach copies of any documents that indicate that you have exhausted this claim.

If you did not exhaust your administrative remedies, state why you did not do so: In the cases were my grievances or appeals were not answered, I have attached copies of the relevant documents.

A. SECOND CLAIM: On (date of the incident) August 3, 2012, Defendant L. Connors defendant (give the **name and position held** of each defendant involved in this incident) took disciplinary action against the Plaintiff by removing Plaintiff from the Kosher meal program for allegedly violating one of the Kosher

did the following to me (briefly state what each defendant named above did): diet rules. However,
Plaintiff was never given notice of the charges, a hearing,
or an opportunity to be heard, and has never, since
August 3, 2012, been allowed to receive Kosher meals.
Defendants Fischer, Bradt, L. Connors, J. Goodrich, Officer
Wagner, John Doe^{#1}, and John Doe^{#3}, were involved in this
claim.

The constitutional basis for this claim under 42 U.S.C. § 1983 is: Right to Practice Religion
and Due process of Law

The relief I am seeking for this claim is (briefly state the relief sought): See attached complaint

Exhaustion of Your Administrative Remedies for this Claim:

Did you grieve or appeal this claim? ☒ Yes ☐ No If yes, what was the result? Appeal was
rejected and Grievance ~~not~~ were not responded to

Did you appeal that decision? ☒ Yes ☐ No If yes, what was the result? See Attached

Attach copies of any documents that indicate that you have exhausted this claim.

If you did not exhaust your administrative remedies, state why you did not do so: _____

If you have additional claims, use the above format and set them out on additional sheets of paper.

6. RELIEF SOUGHT

Summarize the relief requested by you in each statement of claim above.

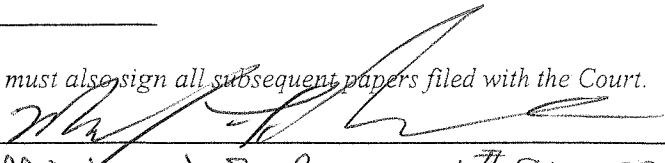
See Attached Complaint

Do you want a jury trial? Yes ☒ No ☐

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 2, 2014
(date)

NOTE: *Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.*


Michael F. Ramsey, # 91B2334

Signature(s) of Plaintiff(s)

In The United States District Court
For The Western District Of New York
Michael F. Ramsey, 91B2334
Plaintiff,

V.

Brian Fischer; Mark Bradt; Michelle
Artus; S. Michalek; L. Conners; J. Goodrich;
V. Hawley; Officer Wagner; John Doe #1;
John Doe #2; John Doe #3,
Defendants.

42 U.S.C. § 1983

Complaint

Civil Action No. _____

I Complaint

1. Plaintiff, Michael F. Ramsey, Pro Se,
For his complaint state as follows:

II Parties, Jurisdiction And Venue

2. Plaintiff, Michael F. Ramsey, was
confined in the Attica Correctional Facility,
located at 639 Exchange Street in the

City of Attica in the State of New York, where he has been confined since March, 2012.

3. Plaintiff, Michael F. Ramsey, is, and was at all times mentioned herein, an adult citizen of the United States and a resident of the State of New York,

4. Defendant Brian Fischer was at all times relevant herein the Commissioner of the New York State Department of Corrections and Community Supervision, with responsibility for operating and maintaining correctional facilities within the State of New York, including the Attica Correctional Facility.

5. Defendant Mark Bradt is, and was at all times herein relevant, the Superintendent of the Attica Correctional Facility. As Superintendent of the Facility, Defendant Bradt manages its day-to-day operations and executes its policies.

6. Defendant Michelle Artus is, and was at all times herein relevant, the Deputy Superintendent of Administration at the Attica Correctional Facility. As Deputy Superintendent of Administration, Defendant Artus supervises and manages the day-to-day administrative functions

and executes its policies.

7. Defendant S. Michalek is, and was at all times herein relevant, the Nurse Administrator at the Attica Correctional Facility. As Nurse Administrator, Defendant Michalek is responsible for arranging for appropriate diagnosis and treatment of inmates medical needs.

8. Defendant L. Connors is, and was at all times herein relevant, the Food Service Administrator at the Attica Correctional Facility. As the Food Service Administrator, Defendant Connors has the responsibility for managing ~~the~~ "Special" Diets for inmate, which includes Medical and Religious (CAD) Diets.

9. Defendant J. Goodrich is, and was at all times herein relevant, Acting Deputy Superintendent of Programs at the Attica Correctional Facility. As Acting Deputy Superintendent of Programs, Defendant Goodrich is responsible for managing the Program Services at the Facility, including Religious Programs and the Cold Alternative Diet (CAD) program.

10. Defendant V. Hawley is, and was at all times herein relevant, the Special Housing Unit (SHU) nurse at the Attica Correctional Facility. As the SHU nurse, Defendant Hawley was responsible for making sick-call rounds in SHU to meet with, and provide health care treatment to, SHU inmates.

11. Defendant Wagner is, and was at all times herein relevant, a correction officer at the Attica Correctional Facility assigned to 31 and 32 company in C-Block. As the 31-32 company officer, Defendant Wagner was responsible for taking the chow/exercise list, and for letting inmates out of their cells so that they can attend chow and exercise.

12. Defendant John Doe[#] is, and was at all times herein relevant, a Correction officer at the Attica Correctional Facility, assigned to 31-32 company in C-Block. As the 31-32 company officer, Defendant John Doe[#] was responsible for taking the chow/exercise list, and for letting inmates out of their cells so that they can attend chow and exercise.

13. Defendant John Doe^{#2} is, and was at all times herein relevant, the Special Housing Unit (SHU) Sergeant at the Attica Correctional Facility. As the SHU Sergeant, Defendant John Doe^{#2} is responsible for managing the Special Housing Unit's day-to-day operations and executing its policies.

14. Defendant John Doe^{#3} is, and was at all times herein relevant, a correction officer at the Attica Correctional Facility, assigned to 31-32 company in C-Block. As the 31-32 company officer, Defendant John Doe^{#3} was responsible for taking the chow/exercise list, and for letting inmates out of their cells so that they can attend chow and exercise.

15. This action arises under and is brought pursuant to 42 U.S.C. Section 1983 to remedy the deprivation, under color of State Law, of rights guaranteed by the first, eighth and fourteenth Amendments to the U.S. Constitution and the Religious Land Use and Institutionalized Persons Act ("RLUIPA"), 42 U.S.C. § 2000cc-1.

16. Plaintiff's claims for injunctive

relief are authorized by 28 U.S.C. Section 2283 and 2284 and Rule 65 of the Federal Rules of Civil Procedure.

17. This Cause of Action arose in the Western District of New York. Therefore, Venue is proper under 28 U.S.C. Section 1391(b).

III Previous Lawsuits

18. Plaintiff has not filed any other Lawsuits dealing with the same facts involved in this action.

19. Plaintiff has previously filed the following Lawsuits in Federal Court:

- a. Ramsey v. Irvin, 89-cv-1455 (N.D.N.Y.-Dismissed)
- b. Ramsey v. Squires, 91-6352T (W.D.N.Y.-Dismissed)
- c. Ramsey v. Gannett Roch., 92-cv-00751 (W.D.N.Y.-Dismissed)
- d. Ramsey v. Coughlin, 93-cv-3658 (W.D.N.Y.-Settled)
- e. Ramsey v. Busch, 93-cv-7218 (W.D.N.Y.-Dismissed)
- f. Ramsey v. Coughlin, 94-cv-95(F) (W.D.N.Y.-Dismissed)
- g. Ramsey v. Coughlin, 94-cv-844 (N.D.N.Y.-Settled)
- h. Ramsey v. Goord, 05-cv-47A (W.D.N.Y.-Settled)

IV Exhaustion of Remedies

20. I used the prison grievance

procedure in this facility to try to solve my problems and have attached a "Proof of Exhaustion" Statement and Exhibits to this complaint.

V Statement of Claim

21. Plaintiff re-allege and incorporate by reference paragraphs 1 through 20 herein.

22. At all times relevant herein, defendants were "persons" for the purposes of 42 U.S.C. Section 1983 and acted under color of State Law to deprive Plaintiff of his constitutional rights as set forth more fully below.

VI Statement of Facts

23. In March, 2012, Plaintiff received, [REDACTED] a one year prescription of Glucosamine, from a Department Doctor at the Green Haven Correctional Facility, to treat degenerative joint condition in both of Plaintiff's knees and his left Shoulder.

24. On March 30, 2012, Plaintiff was transferred from the Green Haven Correctional

facility to the Attica Correctional facility. The medical Department at Green Haven shipped one weeks supply of Plaintiff's prescribed medication with Plaintiff when he was transferred to Attica.

25. When Plaintiff arrived at Attica, on March 30, 2012, he was taken directly to the Special Housing Unit (SHU) and his medication was confiscated. [REDACTED] At that time Plaintiff was advised that his medication would be transferred, [REDACTED] from the plastic pill bottle it came in, to a paper medical envelope and [REDACTED] then given to Plaintiff in the morning.

26. Plaintiff arrived in SHU at approximately 5:30 pm, on March 30, 2012, and an arrival interview was conducted by Defendant John Doe #2. During this interview Plaintiff advised Defendant John Doe of his (Plaintiff's) religion and signed the SHU Kosher Meal (CAD diet) contract.

27. After the arrival interview, Defendant John Doe #2 had Plaintiff moved into a cell which was filthy [REDACTED] and contained a feces and urine saturated mattress. Plaintiff immediately demanded

to be moved to another cell, or to be given a new mattress and an opportunity to clean the cell he was placed in.

28. On the morning of March 31, 2012, Plaintiff stopped the SHU Staff during their rounds and again demanded a new mattress and a move to a clean cell. Plaintiff also asked for his medication, which, he had been told, would be given to him that morning, and for his Kosher meals that he had signed for during his arrival interview.

29. April 2, 2012, Plaintiff stopped Defendant Bradt during his (Bradt's) rounds of SHU. At that time Plaintiff showed Defendant Bradt the feces/urine saturated mattress he was sleeping on, and personally advised Defendant Bradt about the problems with Plaintiff's medication and Kosher diet.

30. On April 2, 2012, Plaintiff requested sick-call and Defendant Hawley ^{came} to Plaintiff's cell. At that time Defendant Hawley told Plaintiff that his (Plaintiff's) prescription for Glucosamine had been discontinued and that the medication, which was shipped to Attica, had been destroyed.

31. After being forced to sleep on a urine and feces covered mattress, and deprived of his medication and kosher diet, for four days, Plaintiff wrote four grievances, on April 3, 2012, about the mattress, medication, kosher diet and legal supplies. Plaintiff placed all four of these grievances in the same envelope and sent them to the Grievance office.

32. The next day, April 4, 2012, Plaintiff received a letter, from Defendant Conness, and a second kosher (CAD) diet contract, which Plaintiff signed and returned to the Food Service Office. Approximately two days later Plaintiff began to receive kosher meals but not sabbath items.

33. On April 6, 2012, SHU staff removed the feces/urine covered mattress from Plaintiff's cell and provided Plaintiff with a new mattress.

34. On April 9, 2012, the grievance Sergeant (Sgt. Condon) came to Plaintiff's cell and confirmed that Plaintiff had received ~~on~~ a new mattress and writing paper, as he (Sgt. Condon) was investigating Plaintiff grievances about the legal supplies (A-59499-12) and mattress (59501-12).

35. In addition to speaking to him (Defendant Bradt) in person about the problems with the medication, Plaintiff also sent Defendant Bradt several letters, beginning on March 31, 2012, specifically advising Defendant Bradt of the fact that his (Bradt's) staff had confiscated and destroyed Plaintiff's medication, without ~~any~~ explanation, and had discontinued Plaintiff's prescription.

36. Between March 31, 2012, and August, 2012, Plaintiff communicated back and forth, in dozens of letters, with Defendants Fischer, Bradt, Artus and Michalek, about their steady-fast refusal, and failure, to provide Plaintiff with his medication.

37. Four months after arriving in Attica, and still not receiving his medication, Plaintiff filed an Article 78 Petition, in the Wyoming Supreme Court, asking for an order directing Defendants to provide Plaintiff the medication he had been prescribed to treat his degenerative knee and shoulder injuries.

38. In August, 2012, Plaintiff was provided with one month's (30 day) supply

of his medication and then his prescription was again discontinued, despite the fact that Plaintiff's prescription was for Plaintiff to take one Glucosamine ~~capsule~~ capsule three times a day for one year.

39. When Plaintiff received the prescription in March, 2012, the Doctor told Plaintiff that he (Plaintiff) must take the medication three times a day, every day, for at least four months, before the medication would start ~~to show~~ ^{to show} effect, and for the whole year, ~~as~~ as prescribed, in order to receive the full benefit of the medication.

40. Plaintiff has not been provided with his medication since August, 2012.

41. On August 3, 2012, Plaintiff was removed from the Kosher meal program, by Defendant Connors, for allegedly violating one of the Kosher Diet program rules.

42. On August 3, 2012, Plaintiff wrote letters to Defendants Bradt and Connors objecting to his (Plaintiff's) removal from the Kosher program ~~being~~ ^{prior to} being provided a due process hearing, notice of the charges or an opportunity to be heard.

43. On August 10, 2012, Plaintiff filed a grievance in which he demanded to be returned to the Kosher diet and afforded a hearing on the charges for which he was removed.

44. On September 11, 2012, Plaintiff filed a second grievance demanding to be returned to the Kosher diet. This was over 30 days since Plaintiff was removed from the diet, for allegedly ~~not~~ violating a rule, in August, 2012.

45. Plaintiff never received a response to his grievances and was never returned to the Kosher Diet.

46. On August 30, 2012, Plaintiff sent a letter to the Grievance office and to defendant Bradt inquiring about the Kosher meal diet and his grievance dated August 10, 2012. On November 14, 2012, Plaintiff sent letters to Defendant Bradt and Connors, and to the Grievance office, inquiring about his (Plaintiff's) grievances of August 10th and September 11th, 2012, and demanding to be returned to the Kosher diet.

47. On January 23, 2013, Plaintiff sent a letter to Defendant Fischer about his (Plaintiff's) removal from the Kosher diet.

48. Plaintiff received a letter, dated February 25, 2013, from Defendant Fischer's office stating that a chaplain would meet with Plaintiff to arrange for Plaintiff to be returned ~~to~~ to the Kosher program.

49. Plaintiff was never allowed to meet with the chaplain and was never allowed to return to the Kosher Diet program.

50. Defendants Wagner, John Doe^{#1}, and John Doe^{#3}, deprived Plaintiff of at least two (2) meals a day, on each of the following dates: June 8, 11, and 12, 2012; July 6, 7, 8, 9, 10, 13, 14, 19, 20, 21, 22, 24, 25, 26, 27, 28, and 29, 2012; August 2, 3, 4, 5, and 8, 2012. Plaintiff was removed from the Kosher meal program shortly after filing ~~a~~ complaints about this.

VII Relief

51. Plaintiff request an Order declaring that defendants acted in ~~that~~ violation of the U.S. Constitution.

52. Plaintiff request an injunction compelling defendants to provide:

a. the medication prescribed for the Plaintiff, in the dosage and for the duration prescribed;

- b. a diet (Kosher) which conforms ~~to~~ to Plaintiff's religious dietary Laws;
- c. a due process hearing prior to removing Plaintiff from his religious diet in the future; and,
- d. a restraining order preventing the defendants from retaliating against the Plaintiff.

53. For forcing Plaintiff to sleep in feces and urine from March 30, 2012, until April 6, 2012, Plaintiff request \$40,000 (Forty Thousand dollars) compensatory damages, and \$80,000 (Eighty Thousand dollars) punitive damages, against Defendants Mark Bradt and John Doe #2.

54. For depriving Plaintiff of his religious diet from March 30, 2012, until April 6, 2012, Plaintiff request \$7,000 (Seven-Thousand dollars) compensatory damages, and \$14,000 (Fourteen Thousand dollars) punitive damages, against John Doe #2.

55. For unilaterally suspending Plaintiff from the Kosher meal program, and depriving Plaintiff of his religious diet for seventeen (17) months beginning on August 3, 2012, without due process of Law, Plaintiff request \$510,000 (Five-Hundred and Ten Thousand dollars) compensatory
(15)

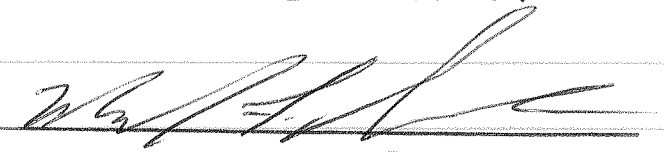
damages, and \$1,020,000 (one million-Twenty Thousand dollars) punitive damages, against Defendants Brian Fischer, Mark Bradt, L. Connors, J. Godrich, officer Wagner, John Doe #1, and John Doe #3

56. For depriving Plaintiff of his medication, (from March 30, 2012, until ~~Just~~ August, 2012) (and again for sixteen months beginning in September, 2012) Plaintiff request \$20,000 (twenty Thousand dollars) compensatory damages, and \$40,000 (Forty-Thousand dollars) punitive damages, ~~■~~ against Defendants Fischer, Bradt, Artus, Michalek, and Hawley.

57. Plaintiff request a Jury Trial.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 26th
day of December, 2013


Michael F. Ramsey

"Proof Of Exhaustion"

"Statement/Exhibits"

Plaintiff has filed grievances, and exhausted the grievance process, on all claims raised in this 42 U.S.C § 1983 Complaint except where ~~where~~ the Defendants refused to file and process the grievance. In the instances where Grievance Office failed and/or refused to file and process Plaintiff's grievances, the actions taken by Plaintiff is included below with Proof of Exhaustion Exhibits.

Exhibit A:

Grievance No. A-59500-12, "Resume Medication", was submitted to grievance office on April 3, 2012, and Grievance Committee issued a response on April 18, 2012. Plaintiff appealed to Defendant Bradt on April 19, 2012. Defendant Bradt denied grievance on April 23, 2012, and Plaintiff appealed to C.O.R.C. on April 25, 2012. C.O.R.C. issued final decision on September 19, 2012, some five (5) months later.

Exhibit B:

Grievance No. A-59501-12, "Replace Mattress", was submitted to grievance office on April 3, 2012, and grievance Committee issued a response on April 18, 2012. Plaintiff appealed to Defendant Bradt on April 19, 2012.

Exhaustion Exhibits, Pg. II

Defendant Bradt denied Grievance on April 23, 2012, and Plaintiff appealed to C.O.R.C. on April 25, 2012. C.O.R.C. issued Final decision on September 19, 2012.

Exhibit C:

"Kosher meal" Grievance was submitted to the Grievance office on April 3, 2012, in the same envelope with grievances No. 59499-12; 59500-12; and, 59501-12. When Plaintiff did not receive a response he sent a letter, dated April 12, 2012, to the Grievance Supervisor inquiring about the status of this grievance. When the Grievance Supervisor did not reply, Plaintiff sent a letter, dated April 24, 2012, to Defendant Bradt inquiring about the status of this grievance. On April 27, 2012, Plaintiff sent the "Kosher Meal" Grievance Appeal to the Grievance Supervisor and a ~~and~~ carbon copy to Defendant Bradt. The Grievance office then responded and alleged, for the first time, that my Kosher meal Grievance was never received.

On May 1, 2012, Plaintiff submitted a second Kosher Meal grievance to the grievance office. When there was no response, Plaintiff submitted a third Kosher meal grievance to the grievance office on May 18, 2012, with a carbon copy to Defendant Bradt.

On June 6, 2012, Plaintiff sent a complaint to Defendant Fischer about the refusal of Defendant

Exhaustion Exhibits, Pg. III

Bradt to file and process Plaintiff's Kosher meal grievance. Enclosed with the letter of June 6, 2012, was a copy of Plaintiff's Kosher meal grievance. Defendant Fischer sent Plaintiff's June 6, 2012 letter, and the attached Kosher meal grievance, to the Inmate Grievance Program Director (Karen Bellamy) for action. Director Bellamy sent Plaintiff a letter, dated June 21, 2012, in which she spoke about grievance No. A-59663-12 (Sabbath items) but does not address the specific issue of Plaintiff's Kosher meal grievance which was attached to Plaintiff's letter of June 6, 2012. Direct Bellamy also sent a copy of Plaintiff's June 6, 2012 letter and the attached Kosher Meal grievance to Defendant Bradt.

Exhibit D:

Grievance No. A-59613-12, was ~~was~~ actually a letter that Plaintiff filed inquiring about why his grievance, against Defendant John Doe #2 for refusing to process Plaintiff's Kosher Meal application, was not filed or processed. Plaintiff's Kosher meal grievance was first filed on April 3, 2012, in the same envelope with grievances #A-59499-12; A-59500-12; and, A-59501-12. Then on May 1, 2012, after Plaintiff received a note, at the bottom of his April 27, 2012

letters to the Grievance Supervisor, stating that the Kosher meal grievance was never received, Plaintiff filed the Kosher meal grievance a second time. On May 18, 2012, Plaintiff filed this grievance for the third time. Finally, Grievance Director ^{Bellamy} ~~Marshall~~ served Defendant Bradt with a copy of Plaintiff's Kosher meal grievance with her letter of June 21, 2012. Nevertheless, this grievance was never processed.

Exhibit E:

Grievance No. A-59663-12, "Sabbath Items", was submitted to the grievance office on April 18, 2012. After receiving no reply, and after writing several letters inquiring about it, Plaintiff re-submitted this grievance on May 4, 2012. The Grievance Committee issued a decision on May 9, 2012, and Plaintiff appealed to Defendant Bradt on May 11, 2012. When Plaintiff did not receive ~~an~~ a decision from Defendant Bradt, Plaintiff sent a letter, dated June 22, 2012, to the Grievance office and to Defendant Bradt, demanding that his appeal be sent to C.O.R.C. in accordance with Directive [#]4040. On June 25, 2012, Plaintiff received a decision from Defendant Bradt and Plaintiff appealed. Plaintiff received a final decision, from C.O.R.C., dated October 24, 2012.

Exhibit F:

On August 3, 2012, Plaintiff was removed from the Kosher meal program, by Defendant Connors, for allegedly violating a Kosher (CAD) diet rule. On August 3, 2012, Plaintiff sent letters to Defendants Bradt and Connors objecting to Plaintiff's removal from the Kosher diet and demanding to be returned to the Kosher diet. When Defendants Bradt and Connors refused to return Plaintiff to the Kosher diet, Plaintiff file a Grievance, dated August 10, 2012, demanding return to the Kosher diet and a due process hearing for the rules Plaintiff was alleged to have ~~make~~ violated, which lead to Plaintiff's removal from the Kosher diet. When Plaintiff did not receive a response, Plaintiff sent a letter, ~~from~~ dated August 30, 2012, to the Grievance Supervisor inquiring about the status of this grievance. On September 11, 2012, Plaintiff submitted a second grievance to the Grievance Supervisor, with a copy to Defendant Bradt, demanding to be returned to the Kosher Diet. On January 23, 2013, Plaintiff sent a letter to Defendant Fischer, with a copy to Defendant Bradt, inquiring about this grievance and demanding return to the Kosher diet.

Exh. A

FORM 2131E (REV. 6/06)

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONAL SERVICES

INMATE GRIEVANCE COMPLAINT

RESUME MEDICATION 22

Grievance No.

59500-12

(3)

Attica

CORRECTIONAL FACILITY

Date 4/3/12

Name Michael F. Ramsey

Dept. No. 91B2334

Housing Unit 5H4 2nd Floor BE-19

Program

AM

PM

(Please Print or Type - This form must be filed within 21 calendar days of Grievance Incident)*

Description of Problem: (Please make as brief as possible) On March 30, 2012, I arrived here with medication that was prescribed by a doctor, ~~but~~ at Green Haven, as part of the treatment for my knees and shoulder. My medication was confiscated by nurse V. Hawley who said he was discontinuing my treatment. I have never even received a check-up upon arrival at this Facility. So how can V. Hawley discontinue my medical treatment.

Grievant
Signature

Grievance Clerk

Date: 05 APR 2012

Advisor Requested

☐

YES

☐

NO

Who:

Action requested by inmate: I want the treatment and medication I was receiving at Green Haven, which was ordered by a Department Doctor, or I want to be sent back to Green Haven or a facility where the treatment I was receiving is available.

This Grievance has been informally resolved as follows:

This Informal Resolution is accepted:

(To be completed only if resolved prior to hearing)

Grievant
Signature

Date:

If unresolved, you are entitled to a hearing by the Inmate Grievance Resolution Committee (IGRC).

*An exception to the time limit may be requested under Directive #4040, section 701.6(g).

A-1

Response of IGRC: Upon review of grievants medical chart the medication in question was ordered upon grievants arrival. Pharmacy do not stock this medication but it is on order. Note: It will take some time for delivery.

Date Returned to Inmate _____ IGRC Members _____

Chairperson _____

Return within 7 calendar days and check appropriate boxes.*

☒ I disagree with IGRC response and wish to appeal to the Superintendent.

☐ I have reviewed deadlocked responses. Pass-Thru to Superintendent

☐ I agree with the IGRC response and wish to appeal to the Superintendent.

☐ I apply to the IGP Supervisor for review of dismissal

Signed _____

Grievant

4-19-12
Date

Grievance Clerk's Receipt

123 APR 2012
Date

To be completed by Grievance Clerk.


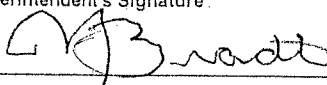
Grievance Appealed to the Superintendent _____
Date

Grievance forwarded to the Superintendent for action _____
Date

*An exception to the time limit may be requested under Directive #4040, section 701.6(g).

A-3

FORM 2133 (REV. 6/06)

 STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES INMATE GRIEVANCE PROGRAM SUPERINTENDENT	Grievance No. A-59500-12	Date Filed 4/3/12
	Facility Attica Correctional Facility	Policy Designation Institutional
	Title of Grievance Resume medication	Class Code 22
	Superintendent's Signature 	Date 4/23/12
Grievant Ramsey, M	DIN 91B2334	Housing Unit RB BE 14

Grievance Denied Based Upon Information Provided:

The grievant is advised that his medication has been ordered but the pharmacy does not stock this medication. The grievant will be given the medication upon its arrival.

"Appeal Statement"

First, Supt. Bradt is a bald faced liar. I have a letter here from S. Michalek, Nurse administrator, that state that my medication which was allegedly ordered on March 30, 2012, had arrived and that I would begin receiving it on April 23, 2012. This has not happened and today is April 25, 2012. Second, the medication which was shipped with me was confiscated and destroyed. Why?? I arrived here with a week supply of my medication and it was confiscated and destroyed. Finally, I should never have been transferred to this facility if you were unprepared to provide me with the medical treatment I need and was receiving at Green Haven.

APPEAL STATEMENT

If you wish to refer the above decision of the Superintendent, please sign below and return this copy to your Inmate Grievance Clerk. You have seven (7) calendar days from receipt of this notice to file your appeal. * Please state why you are appealing this decision to to C.O.R.C.

I have been suffering in extreme pain with out medication for 27 days now. Not only did you confiscated my medication and discontinue my medical treatment, but you did not provide me any other treatment or pain releaver in the mean time.

Grievant's Signature

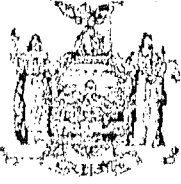
4/25/12

26 APR 2012

Grievance Clerk's Signature

Date

A-5

 <p>STATE OF NEW YORK DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION</p>	Grievance Number A-59500-12	Design Code 1/22	Date Filed 4/5/12
	Associated Cases		
	Facility Attica Correctional Facility		
INMATE GRIEVANCE PROGRAM CENTRAL OFFICE REVIEW COMMITTEE		Title of Grievance Resume Medication	

9/19/12

GRIEVANT'S REQUEST UNANIMOUSLY ACCEPTED IN PART

Upon full hearing of the facts and circumstances in the instant case, and upon recommendation of the Division of Health Services, the action requested herein is hereby accepted only to the extent that CORC upholds the determination of the Superintendent for the reasons stated.

CORC asserts that the grievant was taking Glucosamine Sulfate, an over the counter medication, when he was transferred to Attica CF. CORC notes that it was ordered, however, the wrong medication was received and another order was submitted. When it arrived in tablet form the grievant initially refused it but has since been taking it. He has not reported any negative effects as a result of the lapse.

CORC asserts that, consistent with Health Services Policy Manual Item #1.43 - Specialty Care Referrals, the Facility Health Services Directors (FHSD) have the sole responsibility for providing treatment to the inmates under their care.

With regard to the grievant's appeal, CORC has not been presented with sufficient evidence to substantiate malfeasance by staff. CORC advises the grievant to address any further medication concerns to staff via the sick call mechanism.

RAL/cl

Exh. B

INMATE GRIEVANCE COMPLAINT

REPLACE MATTRESS 23

Grievance No.

59501-12

Attica

CORRECTIONAL FACILITY

Date 4/3/12

Name Michael F. Ramsey

Dept. No. 91B2334

Housing Unit SHU^{2nd} Floor BE-19

Program

AM

PM

(Please Print or Type - This form must be filed within 21 calendar days of Grievance Incident)*

Description of Problem: (Please make as brief as possible) On March 30, 2012, I was move into a cell which has a mattress ~~that~~ that is covered with feces and urine. I spoke to the SHU officer who moved me into the cell on March 30, 2012, and to the SHU Sergeant on Saturday Morning, March 31, 2012, and nothing has been done. I have been complaining about this feces and urine saturated mattress for five (5) days and nothing has been done.

Grievant
Signature

Grievance Clerk

Date:

Advisor Requested

☐

YES

☐

NO

Who:

Action requested by inmate:

I want a clean mattress and new sheets and blankets, and I want to know why I have been forced to sleep in this feces and urine for five (5) days.

This Grievance has been informally resolved as follows:

This Informal Resolution is accepted:

(To be completed only if resolved prior to hearing)

Grievant
Signature

Date:

If unresolved, you are entitled to a hearing by the Inmate Grievance Resolution Committee (IGRC).

*An exception to the time limit may be requested under Directive #4040, section 701.6(g).

B-2

A- 59501-12

4/18/2012

FORM 2131E (REVERSE) (REV. 6/06)

Response of IGRC: Grievant was interviewed and says that he has a new mattress and is satisfied.

Date Returned to Inmate _____

IGRC Members _____

Chairperson _____

Return within 7 calendar days and check appropriate boxes.*

☒ I disagree with IGRC response and wish to appeal to the Superintendent.

☐ I have reviewed deadlocked responses, Pass-Thru to Superintendent

☐ I agree with the IGRC response and wish to appeal to the Superintendent.

☐ I apply to the IGP Supervisor for review of dismissal

The Sergeant is a liar. If I was satisfied I would have informally resolved this complaint.

Signed _____

Grievant

Date _____

Grievance Clerk's Receipt _____

Date _____

23 APR 2012

To be completed by Grievance Clerk.

Grievance Appealed to the Superintendent _____

Date _____


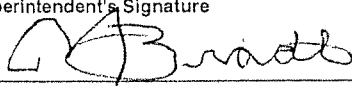
Grievance forwarded to the Superintendent for action _____

Date _____

*An exception to the time limit may be requested under Directive #4040, section 701.6(g).

B-4

FORM 2133 (REV. 6/05)

 <p>STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES</p> <p>INMATE GRIEVANCE PROGRAM SUPERINTENDENT</p>	Grievance No. A-59501-12	Date Filed 4/5/12
	Facility Attica Correctional Facility	Policy Designation Institutional
	Title of Grievance Replace mattress	Class Code 23
	Superintendent's Signature 	Date 4/23/12
Grievant Ramsey, M.	DIN 91B2334	Housing Unit RB BE 19

Grievance Denied Based Upon Information Provided:

The grievant was interviewed by a sergeant and his mattress was replaced. The grievant is advised he needs to contact either a gallery officer or area supervisor with his request for new linens. Further investigation shows that linen is collected and laundered on a weekly basis.

Appeal Statement

I was moved into a cell which contained a bed and mattress covered in Human feces and urine. This never should have happened. I complained about this for ~~seven~~ Seven (7) days before the mattress was changed on ~~March~~ April 6, 2012. You, Supt. Bradt, and the SHU Staff knew about this feces covered bed and mattress before I was moved into this cell. Nothing has been said about this feces I was forced to live in for seven (7) days, which has made me sick and for which I have not received medical treatment.

APPEAL STATEMENT

If you wish to refer the above decision of the Superintendent, please sign below and return this copy to your Inmate Grievance Clerk. You have seven (7) calendar days from receipt of this notice to file your appeal. * Please state why you are appealing this decision to to C.O.R.C.

Finally, as I stated to Supt. Bradt in my letter too him, I was given old ripped sheets and an SHU memo dated March 1, 2012, state I should have been given new sheets. I want new sheets.

Grievant's Signature


Grievance Clerk's Signature

Date

Date

4/25/12
26 APR 2012

Br6

 <p>STATE OF NEW YORK DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION</p>	Grievance Number A-59501-12	Per g. Code 1/23	Date Filed 4/5/12
	Associated Cases		
	Facility Attica Correctional Facility		
INMATE GRIEVANCE PROGRAM CENTRAL OFFICE REVIEW COMMITTEE		Title of Grievance Replace Mattress	

9/19/12

GRIEVANT'S REQUEST UNANIMOUSLY ACCEPTED IN PART

Upon full hearing of the facts and circumstances in the instant case, the action requested herein is hereby accepted only to the extent that CORC upholds the determination of the Superintendent for the reasons stated.

CORC notes that this matter has been properly investigated by the facility administration. Sgt. C... states that the grievant's mattress was replaced on 4/6/12 with a new one and that he had no other issues at that time. Further, CORC notes that linens are collected and laundered on a weekly basis. CORC advises him to address any further concerns to area supervisory staff for any remedial action necessary.

With respect to the grievant's appeal, CORC advises him that he may sign up for sick call and notes no malfeasance by staff.

JAD/cl

B-10

Exh. C

April 12, 2012

TO: IGP Supervisor
 From: Michael F. Ramsey, #91B2334, SHU-BE-19
 Subj: Grievance Responses

I am writing to inquire about the status of my Grievances. I filed five (5) grievances and have not received a response to any.

The first four (4) grievances that I filed were about: 1. Feces covered mattress; medication/medical treatment; Kosher meals; and, writing paper per Dir. #4483. A sergeant came and questioned me about the mattress and writing paper grievances and that was the last I heard about those grievances.

I never heard anything from anyone about my medication and kosher meals grievances. I am ~~still~~ still being denied the ~~medication~~ medical treatment I was receiving at Green Haven and I am suffering irreparable harm as a result. I need this grievance processed and exhausted so that I may seek immediate judicial intervention.

Finally, my last grievance was about my personal property that I was forced to send-out/destroy in violation of Directive #4911.

Please advise me of the status of these grievances and why it is taking so long to respond to said grievances.

Thank you very much.


 Michael F. Ramsey


(2)

April 24, 2012

TO: Supt. Bradt
From: Michael F. Ramsey, #91B2334, R2-BE-19
Subj: Kosher Meal Grievance

I am writing regarding the above subject matter because I filed a grievance about the SHU Sergeant, and regular officers, Failure to Notify the messhall that I needed to be provided with a Kosher diet.

This grievance was forwarded to the grievance office on April 3, 2012, in the same envelope with grievances # 59499-12 - L.L. Supplies; 59500-12 - Medication; and, 59501-12 - Matress. When I did not receive a response or an acknowledgement receipt, I wrote a letter to the I.G.P. Supervisor on April 12, 2012, and inquired about this grievance and four (4) other grievances, including the three grievances listed above and my April 8, 2012, grievance about my personal property that I was forced to send-out/destroy in violation of Directive # 4911 and 4913. The I.G.P. Supervisor has not responded to my letter and I have not received a response to my grievance about denying Kosher meals or about my property. It has been over 20 days. As such, I need to know why my grievances have not been filed and processed in accordance with Directive # 4040.


Michael F. Ramsey


April 27, 2012

TO: IGP Supervisor
From: Michael F. Ramsey, #91B2334, RJ-DE-19
Subj: Kosher Meal Grievance Appeal

On April 3, 2012, I sent you a grievance about the SNU Sergeant and regular officers failure to notify the messhall that I required a Kosher meal.

On April 12, 2012, I sent you a letter inquiring about the status of this grievance.

More than sixteen (16) calendar days have passed without a decision by the IGRC. I have not signed an extension form. I am exercising my right under Directive 4040, section 701.5(c)(1), to appeal to the next stage. I want my appeal sent to the Superintendent.


Michael F. Ramsey

cc:

Supt. Bradt


April 27, 2012

TO: I.G.P. Supervisor
 From: Michael F. Ramsey, #9182334, R2-BE-19
 Subj: Personal Property Grievance

On April 8, 2012, I sent you a grievance about the SHU Sergeant forcing me to destroy/send-out personal property that I was allowed to have according to Directive # 4913 and 4911.

On April 12, 2012, I sent you a letter inquiring about the status of this grievance.

More ~~that~~ than six (6) calendar days have passed without a decision by the IGRC. I have not signed an extension form. I am exercising my right under Directive 4040, Section 701.5(c)(1), to appeal to the next stage. I want my Appeal sent to the Superintendent.


 Michael F. Ramsey

cc:

Supt. Bradt

~~Ramsey~~
 118
 2334
 No Grievance was received regarding a Kosher diet.

This is Addressed by Grievance #
 A 59613-12. The IGRC will
 Send You A response to that grievance.
 Inmate Grievance Program

Michael F. Ramsey, #91B2374
Attica Correctional Facility
Box 149
Attica, New York 14011-0149

June 6, 2012

Brian Fischer, Commissioner
Dept. of Corr. And Community Supervision
The Harriman State Campus
1220 Washington Ave
Albany, New York 12224

RE: Refusal To File/Process Grievances

Sir:

Enclosed is a copy of a grievance that I filed at this facility on May 1, 2012. The I.G.P. Supervisor has repeatedly refused to file this grievance because he is trying to cover-up for the SHU Sergeant's failure to notify the Kitchen that I was Kosher.

When the IGP Supervisor did not file this grievance by May 18, 2012, I resubmitted it and sent a second copy to Supt. Bradt. This grievance still has not been processed or responded to. I need this process exhausted before I can file an article 78 or a section 1983 civil actions.

Please look into this matter and ascertain why Dir. #40410 is not being followed.

Sincerely,




STATE OF NEW YORK

**DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION**

THE HARRIMAN STATE CAMPUS – BUILDING 2

1220 WASHINGTON AVENUE

ALBANY, N.Y. 12226-2050

BRIAN FISCHER
COMMISSIONER

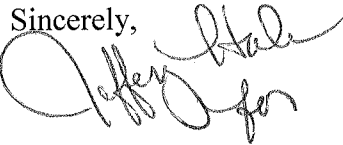
June 21, 2012

Mr. Michael Ramsey, #91-B-2334
Attica Correctional Facility
639 Exchange Street
Attica, NY 14011-0149

Dear Mr. Ramsey:

Commissioner Fischer has asked me to respond to your June 6, 2012, letter to him regarding the processing of your grievances.

Contact with the facility administration reveals that A-59663-12, regarding Sabbath items, was answered by the Superintendent on May 14, 2012, and you did not appeal. You are advised to address future inquiries to the Inmate Grievance Program Supervisor (IGPS).

Sincerely,


Karen Bellamy
Director
Inmate Grievance Program

cc: Superintendent – Attica C.F. (w/attachment)

Exh. D

D

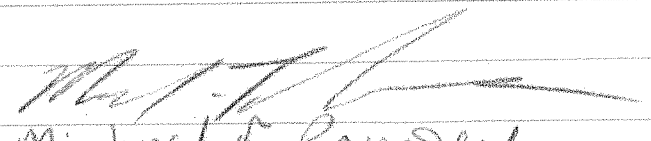
April 27, 2012

TO: I.G.P. Supervisor
From: Michael F. Ramsey, #91B2334, R2-BE-19
Subj: Personal Property Grievance

On April 8, 2012, I sent you a grievance about the SHU Sergeant forcing me to destroy/send-out personal property that I was allowed to have according to Directive # 4913 and 4911.

On April 12, 2012, I sent you a letter inquiring about the status of this grievance.


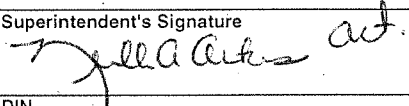
More ~~that~~ than six (6) calendar days have passed without a decision by the I.G.R.C. I have not signed an extension form. I am exercising my right under Directive 4040, Section 701.502(c), to appeal to the next stage. I want my Appeal sent to the Superintendent.


Michael F. Ramsey

cc:

Supt. Bradt

FORM 2133 (REV. 6/06)

 <p>STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES</p> <p>INMATE GRIEVANCE PROGRAM SUPERINTENDENT</p>	Grievance No. A-59613-12	Date Filed 4/25/12
	Facility Attica Correctional Facility	Policy Designation Institutional
	Title of Grievance Grievances not responded to	Class Code 44
	Superintendent's Signature 	Date 5/4/12
Grievant Ramsey, M	DIN 91B2334	Housing Unit BE - 19

Grievance Denied Based Upon Information Provided:

The grievant is advised that all of the referenced grievances in his complaint were answered by IGRC on 4/18/12, were appealed to the Superintendent and answered by him on 4/24/12. Additionally the referenced grievances have all been appealed to CORC and the grievant will receive the dispositions when they are received. Further grievance A 59540-12 is current scheduled for a hearing. Lastly there is no record of any grievance filed regarding a Kosher diet.

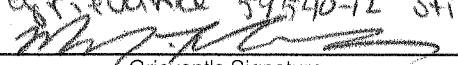
Appeal Statement

First of all, all of the grievances referred to in my complaint was not answered by IGRC. I specifically referred to my Kosher grievance as well as my property grievance. Neither of which were answered. Secondly, my Kosher meal grievance was in the same envelope with the medication mattress and Law Library grievances. If it was not received why didn't the IOP Supervisor make that claim when I wrote him a letter, dated April 17, 2012, inquiring

APPEAL STATEMENT

If you wish to refer the above decision of the Superintendent, please sign below and return this copy to your Inmate Grievance Clerk. You have seven (7) calendar days from receipt of this notice to file your appeal. * Please state why you are appealing this decision to C.O.R.C.

about said grievance? Why didn't the IOP Supervisor respond and state my grievance was not received when I sent him my second letter, dated April 24, 2010? And why is grievance 59540-12 still pending a hearing?

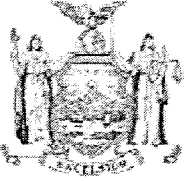
 MAY 4, 2012

Grievant's Signature

Date

Grievance Clerk's Signature

Date

 <p>STATE OF NEW YORK DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION</p>	Grievance Number A-59613-12	Desig./Code I/44	Date Filed 4/26/12
	Associated Cases		
	Facility Attica Correctional Facility		
INMATE GRIEVANCE PROGRAM CENTRAL OFFICE REVIEW COMMITTEE	Title of Grievance Grievances Not Responded To		

9/12/12

GRIEVANT'S REQUEST UNANIMOUSLY ACCEPTED IN PART

Upon full hearing of the facts and circumstances in the instant case, the action requested herein is hereby accepted only to the extent that CORC upholds the determination of the Superintendent for the reasons stated.

CORC asserts that all grievances received by the IGRC are processed in accordance with Directive #4040. CORC notes that a grievance regarding the Kosher diet was not received from the grievant. Further, A-59540-12, regarding property, is pending CORC disposition.

With regard to the grievant's appeal, CORC advises him to address future concerns regarding the processing of his grievances to the IGP Supervisors for the most expeditious means of resolution.

RAL/

Ramsey, M
91 B2334
C-33-26

Exh. E

FORM 2131E (5/88)

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONAL SERVICES

INMATE GRIEVANCE COMPLAINT

Grievance No. Attica

CORRECTIONAL FACILITY

Date 4/18/12Name Michael F. RamseyDept.No. 91B2334Housing Unit RB-2 BE-19

Program _____


AM _____

PM _____

(Please Print or Type - This form must be filed within 14 days of Grievance Incident)

Description of Problem: (Please make as brief as possible)

I am not being provided with
the Friday evening and Saturday morning Sabbath Matzohs
and grape juice which are use after my Sabbath prayers.

Grievant
Signature

Grievance Clerk _____

Date: _____

Advisor Requested

☐

YES

☐

NO

Who: _____

Action requested by inmate:

I want the Friday evening and Saturday
morning Sabbath matzohs and grape juice, and I would like
to know why it has not been sent.

This Grievance has been informally resolved as follows:

This Informal Resolution is accepted:

(To be completed only if resolved prior to hearing)

Grievant

Signature _____

Date: _____

If unresolved, you are entitled to a hearing by the Inmate Grievance Resolution Committee (IGRC).

FORM 2131E (5/88)

Response of IGRC:

Date Returned to Inmate _____ IGRC Members _____

Chairperson _____

Return within 4 days and check appropriate boxes.

- ☐ I disagree with IGRC response.
- ☐ I agree with the IGRC response.
- ☐ I have reviewed deadlocked responses. Pass-Thru to Superintendent
- ☐ I wish to appeal to the Superintendent.

Signed _____
Grievant _____ Date __________
Grievance Clerk's Receipt _____ Date _____*To be completed by Grievance Clerk*Grievance Appealed to the Superintendent _____
Date _____Grievance forwarded to the Superintendent for action _____
Date _____

FORM 21312 (REV. 6/06)

INMATE GRIEVANCE COMPLAINT

A 59663-12

Attica

CORRECTIONAL FACILITY

Date May 4, 2012Name Michael F. RamseyDept.No. 91B2334Housing Unit RB-BE-19Program AM PM

(Please Print or Type - This form must be filed within 21 calendar days of Grievance Incident)*

Description of Problem: (Please make as brief as possible) I am not being provided with the Friday evening and Saturday morning Sabbath Matzohs and Grape Juice which are used after my Sabbath prayers. I first filed this grievance on April 18, 2012, and have not received an acknowledgement of receipt or a response. A copy of this grievance will be forward to Supt. Bradt.

Grievant
Signature [Signature]Grievance Clerk [Signature]Date: 5/8/12

Advisor Requested

☐

YES

☐

NO

Who:

Action requested by inmate:

I want to be provided with the Matzohs and Grape Juice and I want my grievances filed and processed according to Directive 4040.

This Grievance has been informally resolved as follows:

This Informal Resolution is accepted:

(To be completed only if resolved prior to hearing)

Grievant
Signature Date:

If unresolved, you are entitled to a hearing by the Inmate Grievance Resolution Committee (IGRC).

*An exception to the time limit may be requested under Directive #4040, section 701.6(g).

Response of IGRC:

59663-12

5/11/2012

Food Services placed grievant on CAD diet on 4/04/12 per his request. Grievant was added to the Sabbath Snack list on 5/07/12.

2011/11/11

RA-GE-12

59663-12

Michael T. Ramsey

Date Returned to Inmate _____ IGRC Members _____

Chairperson _____

Return within 7 calendar days and check appropriate boxes.*

- ☒ I disagree with IGRC response and wish to appeal to the Superintendent. ☐ I have reviewed deadlocked responses. Pass-Thru to Superintendent
- ☐ I agree with the IGRC response and wish to appeal to the Superintendent. ☐ I apply to the IGP Supervisor for review of dismissal

Signed _____ Grievant

5/11/12 _____ Date

Grievance Clerk's Receipt

Date

To be completed by Grievance Clerk.

Grievance Appealed to the Superintendent _____
Date

Grievance forwarded to the Superintendent for action _____
Date

June 22, 2012

TO: I G P Supervisor
From: Michael F. Ramsay, 9182334, C-31-19
Subj: Grievance # 59663-12

I am writing regarding the above numbered grievance because it has over 40 days since I appealed this grievance - yet I have not received a reply from the Superintendent.

Now, since it has been over twice the time limit limit for the Superintendent to respond, and since I have not signed an extension agreeing to allow for more than the ~~twenty~~ twenty (20) days, I hereby ask that my appeal of grievance # 59663-12 be forwarded to CORC.

A copy of this letter has been sent to Supt. Bradt.


Michael F Ramsay

ATTICA CORRECTIONAL FACILITY

Office of the Superintendent

MEMO

To: RAMSEY 91-B-2334 C-31-19
NAME DIN CELL

From: Mark L. Bradt, Superintendent

Date: June 25, 2012

Subject: Inmate Note Dated June 22, 2012 Received on June 25, 2012

_____ Your complaint has been received. The Inmate Grievance Program (per Directive 4040) handles allegations of harassment or unlawful discrimination, therefore, your letter is being forwarded to the Inmate Grievance Office for processing.

_____ I am investigating your letter and as soon as I have sufficient information, I will reply.

X _____ Your letter has been referred to the below-named person. Any further correspondence on this matter should be referred to this person.

_____ Your grievance/letter has been referred to the below-named person. Any further correspondence on this matter should be referred to this person.

_____ Your time cut request has been referred to the Deputy Superintendent for Security for response.

_____ Your marriage request has been referred to the Deputy Superintendent for Programs for processing and response.



MLB:jms

c. _____

file

IGAC

FORM 2133 (REV. 6/06)

 STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES INMATE GRIEVANCE PROGRAM SUPERINTENDENT	Grievance No. A-59663-12	Date Filed 5/8/12
	Facility Attica Correctional Facility	Policy Designation Institutional
	Title of Grievance Not receiving Sabbath items	Class Code 37
	Superintendent's Signature 	Date 5/14/12
Grievant Ramsey, M	DIN 91B2334	Housing Unit 31-19

Grievance Denied Based Upon Information Provided:

The grievant was placed on the CAD diet on 4/4/12 and placed on the Sabbath snack list on 5/7/12. The grievant is advised that grievances are filed and processed in accordance with NYSDOCS Directive 4040. The grievant is further advised that NYSDOCS Directive 4040, Section 701.1 states, in part, that the grievance program is not intended to support an adversary process.

Appeal Statement

First, this grievance was initially filed on April 18, 2012. You did not process it or respond to it. I filed it again on May 11, 2012, and filed my appeal on May 11, 2012. Now, I just received your response on June 25, 2012, some 45 days after my May 11, 2012, appeal and 67 days after I filed this grievance on April 18, 2012. This isn't the first time you have refused to file and process my grievances. I just wrote Brian Fischer a letter, dated June 6, 2012, about this very issue. This was also an issue in several other grievances, including grievance # A-59613-12, A-59540-12 and the Kosher meal grievances which still have not been processed. This isn't in accordance with Directive 4040. Finally, the Sabbath is the Holiest of all Holy days and the Matzo's and grape juice for Sabbath pray rituals are a major part

APPEAL STATEMENT

If you wish to refer the above decision of the Superintendent, please sign below and return this copy to your Inmate Grievance Clerk. You have seven (7) calendar days from receipt of this notice to file your appeal. * Please state why you are appealing this decision to C.O.R.C.


of my religious faith - not a snack. And, why was I not added to the sabbath matzo's/grape juice list until 30 days after I was added to the kosher list? Also, I have not received the matzo's/grape juice since June 1, 2012. Why is that?

Grievant's Signature

Date

Grievance Clerk's Signature

Date

 <p>STATE OF NEW YORK DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION</p>	Grievance Number A-59663-12	Desig./Code I/37	Date Filed 5/8/12
	Associated Cases		
	Facility Attica Correctional Facility		
INMATE GRIEVANCE PROGRAM CENTRAL OFFICE REVIEW COMMITTEE	Title of Grievance Not Receiving Sabbath Items		

10/24/12

GRIEVANT'S REQUEST UNANIMOUSLY ACCEPTED IN PART

Upon full hearing of the facts and circumstances in the instant case, and upon recommendation of the Division of Nutritional Services, the action requested herein is hereby accepted in part.

CORC notes that the grievant's concerns regarding the filing of his complaints were addressed in its prior decision A-59613-12, dated 9/12/12, which states, in part, i.e.:

CORC asserts that all grievances received by the IGRC are processed in accordance with Directive #4040. CORC notes that a grievance regarding the Kosher diet was not received from the grievant.

CORC also notes that A-59500-12 and A-59501-12 were answered on 9/19/12, and A-59499-12 is currently pending disposition. CORC advises the grievant that every effort is made to process grievances within the timelines established in Directive #4040. It is noted that the grievant began the CAD on 4/3/12, however, he was subsequently removed on 8/13/12 for non-compliance and he has not reapplied. Additionally, he was placed on the Sabbath list on 5/7/12, and received the matzo's and grape juice every Friday eve and Saturday morning. CORC has not been presented with sufficient evidence to substantiate any malfeasance by staff.

In regard to the grievant's appeal, CORC notes that A-59540-12 was answered on 10/17/12. CORC advises him to address his concerns regarding the processing of grievances to the IGP Supervisors, and his religious meal concerns to the Food Service Administrator for the most expeditious means of resolution.

RAS/jr

Ramsey, M
91B2334

C-33-24

Exh. F

Grievance

Michael F. Ramsey
91B2334

C-33-26


August 10, 2012

Problem:

I have been illegally removed from the Kosher diet program by L. Connors, FSA II, without due process of Law. I was never given a hearing, an opportunity to be heard, or to present witnesses or documentary evidence.

Action Requested:

1. I want to be immediately returned to the Kosher Diet list;
2. I want to be provided with notice of the charges, a Hearing conforming with the minimum due process standards established in Wolff v. McDonnell, 418 U.S. 539, in the event that I am ever alleged to be in violation of your CAD rules in the future.


Michael F. Ramsey

Attica

Michael F. Ramsey

9182334

none

9/11/12

C-33-26

none

On August 3, 2012, I was illegally removed from the Kosher meal program without due process of law. On August 10, 2012, I Filed the First grievance demanding return to my Kosher diet and a due process hearing. Now I am demanding return to the Kosher meal program because it has been over 30 days from the date of my removal and the suspension from the Kosher diet was suppose to be 30 days for first removal.



Immediate return to Kosher diet now, and, a due process hearing prior to any future removal for alleged violations of your CAD rules.

August 3, 2012

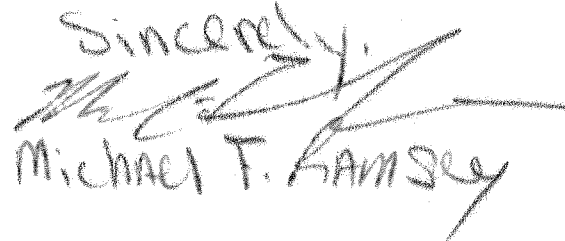
TO: Supt. Bradt
From: Michael F. Ramsey, #9180334 - C-31-19
Subj: Religious Diet/Due Process

Sir:

This is to give you personal notice that your Food Service Administrator, L. Conners, has unilaterally removed me from the Kosher meal program with ^{at} any type of notice of charges or an opportunity to be heard in response to the charges.

I have a liberty interest in maintaining a Kosher diet and cannot be deprived of this liberty without due process of Law.

As such, I hereby ask that you Order L. Conners to immediately return me to the Kosher meal program, and direct him to provide me with a due process hearing before any further ~~before any further~~ punitive action is taken to deprive me of my religious rights.

Sincerely,

Michael F. Ramsey


cc:
L. Conners

ATTICA CORRECTIONAL FACILITY

Office of the Superintendent

MEMO

To: RAMSEY 91-B-2334 C-31-19
NAME DIN CELL

From: Mark L. Bradt, Superintendent 

Date: August 7, 2012

Subject: Inmate Note Dated August 3, 2012 Received on August 7, 2012

_____ Your complaint has been received. The Inmate Grievance Program (per Directive 4040) handles allegations of harassment or unlawful discrimination, therefore, your letter is being forwarded to the Inmate Grievance Office for processing.

_____ I am investigating your letter and as soon as I have sufficient information, I will reply.

✓
_____ Your letter has been referred to the below-named person. Any further correspondence on this matter should be referred to this person.

_____ Your grievance/letter has been referred to the below-named person. Any further correspondence on this matter should be referred to this person.

_____ Your time cut request has been referred to the Deputy Superintendent for Security for response.

_____ Your marriage request has been referred to the Deputy Superintendent for Programs for processing and response.

MLB:jms

c. DSA Artus

file

August 3, 2012

TO: L. Conners, F.S.A. I
From: Michael F. Ramsey, #91B2334, C-31-19
Subj: Denial of Due Process/Right To
Practice Religion

On Friday morning, August 3, 2012, the correction officer who was working the diet line in C-mess/hall told me that I was no longer on the kosher meal list and refused to feed me. Later on the night of August 3, 2012, I received a letter from you, dated August 1, 2012, in which you state that "you" found me to be in noncompliance with the Cold Alternative Diet program procedures and that you were denying me my right to follow my religion and maintain a kosher diet.


As such, I hereby give you notice that I have a liberty interest in ~~maintaining~~ maintaining a kosher diet and that you are violating my constitution rights by depriving me of this liberty interest without first ~~of~~ providing me with due process of law, which would include notice of the charges, an opportunity to respond and a written disposition stating the evidence relied upon and reason for

pg II
8/3/12

disposition.

Based on your failure to provide me with due process, I submit that your actions are legally invalid and a violation of my rights under the U.S. constitution as well as the New York constitution.

Wherefore, I respectfully demand that my name be immediately return to the Kasher meat list and that I be provided with a hearing to respond to your charges before I am deprived of my right to practice my religion.

Sincerely,

Michael T Ramsey

cc:

Supt Bradt

33-26

Ramsey 91B2334 ~~C-31-19~~ 8/9/12

You have written a letter stating that you were wrongfully removed from the CAD program (received 8/9/12). You were removed for non compliance with the attendance agreement that you signed on 4/4/12. In the audit of your removal you missed 4 meals when only 3 missed meals are permitted.

L. Conners FSA II


August 30, 2012

TO: IGP Supervisor
From: Michael F. Ramsey, #9102334, C-33-26
Subj: Grievance dated August 10, 2012

On August 10, 2012, I sent for ~~the~~ filing one grievance against L. Connors, FSA II, for removing me from the kosher meal diet. It has been ~~over~~ well over the seven days for conducting a hearing and I am still being deprived of my right to follow my religious dietary laws.

As such, I would like to know what the problem is. You delayed the filing of my other grievances relating to the kosher diet and actually refused to file the first grievance against the SHU Sergeant about ~~the~~ ^{my} kosher diet.

Please file and process this grievance immediately so that this matter can be resolved and I can be placed back on the kosher diet list.


Michael F. Ramsey

ATTICA CORRECTIONAL FACILITY

Office of the Superintendent

MEMORANDUM

To: RAMSEY 91-B-2334 C-33-26
NAME DIN CELL

From: Mark L. Bradt, Superintendent

Date: November 15, 2012

Subject: Inmate Note Dated November 14, 2012 Received on November 15, 2012

_____ Your complaint has been received. The Inmate Grievance Program (per Directive #4040) handles allegations of harassment or unlawful discrimination, therefore, your letter is being forwarded to the Inmate Grievance Office for processing.

_____ I am investigating your letter and as soon as I have sufficient information, I will reply.

X _____ Your letter has been referred to the below-named person. Any further correspondence on this matter should be referred to this person.

_____ Your grievance/letter has been referred to the below-named person. Any further correspondence on this matter should be referred to this person.

_____ Your time cut request has been referred to the Deputy Superintendent for Security for response.

_____ Your marriage request has been referred to the Deputy Superintendent for Programs for processing and response.

MLB/jms

Cc:

File

FSA Connors



STATE OF NEW YORK

**DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION**

THE HARRIMAN STATE CAMPUS – BUILDING 2

1220 WASHINGTON AVENUE

ALBANY, N.Y. 12226-2050

BRIAN FISCHER
COMMISSIONER

JEFF MCKOY
DEPUTY COMMISSIONER
PROGRAM SERVICES

February 25, 2013

Mr. Michael Ramsey
91B2334
Attica Correctional Facility
639 Exchange Street
Attica, NY 14011-0149

Dear Mr. Ramsey:

Commissioner Fischer has referred your letter to me regarding the allegation that you were taken off the Cold Alternative Diet (CAD)/Kosher diet.

Please be advised that your removal from the CAD occurred prior to the implementation in October 2012 of the Department's Religious Meals or Cold Alternative Diet Acknowledgement and Request Form policy.

The facility was contacted and has reported that a Chaplain will meet with you to review the consent form with you and process it upon your agreement and signature of the form.

In the meantime, you are encouraged to maintain a favorable disciplinary record and nurture a positive attitude with regard to the programs available to you.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. McKoy', written over a horizontal line.

Jeff McKoy
Deputy Commissioner
Program Services

cc: Superintendent, Attica CF
Ministerial, Family and Volunteer Services
Central Files

Michael E. ...
Attorney ...
...
Attorney ...

On ...
Department of ...
And ...
The ...
...
All ...

Re: ...

On August 3, 2012, I was ...
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It was ...
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I ...
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Page 71 of 74
Pg. III

afforded due process of law.

These specific issues were the subject of Ramsay v. Goord, 05-cv-0047A(F).

Wherefore, I respectfully ask that you investigate this matter and take actions to ensure:

1. That I am immediately returned to the Kasher meal program;
2. That I am never again removed from the Kasher meal program for an alleged violation of the rules until I am first provided with a due process hearing which conforms with the minimum due process standards established in Wolff v. McDonnell; and,
3. I am let out for Messhall every day, three times a day, or that my Kasher meal tray is served to me in my cell.

Sincerely,

Michael F. Ramsay

cc: Supt. Bondt

ATTICA CORRECTIONAL FACILITY

Office of the Superintendent

MEMORANDUM

To: RAMSEY 91B2334 C-33-26
NAME **DIN** **CELL**

From: Mark L. Bradt, Superintendent *Mark L. Bradt*

Date: January 25, 2013

Subject: Inmate Note Dated January 23, 2013 Received on January 25, 2013

_____ Your complaint has been received. The Inmate Grievance Program (per Directive #4040) handles allegations of harassment or unlawful discrimination, therefore, your letter is being forwarded to the Inmate Grievance Office for processing.

_____ I am investigating your letter and as soon as I have sufficient information, I will reply.

✓ _____ Your letter has been referred to the below-named person. Any further correspondence on this matter should be referred to this person.

_____ Your grievance/letter has been referred to the below-named person. Any further correspondence on this matter should be referred to this person.

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_____ Your marriage request has been referred to the Deputy Superintendent for Programs for processing and response.

MLB/pc

cc:

File

Capt. Brown

Michael F. Kinnear # 91B2334
Attica Correctional Facility
Box 149
Attica, New York 14011-0149

July 9, 2012

Brian Fischer, Comm.
Dep. Corr. & Community Supervision
The Harriman State Campus
1220 Washington Ave.
Albany, New York 12224

RE: Denial of Food/Right TO
Practice Religion

Dear Comm. Fischer:

I am writing regarding the ^{above} ~~written~~ subject matter because officers Prichard and Wagner, from C-Block 31 company, have been denying me food, exercise and the right to practice my religion.

In addition to being denied the ~~rights~~ and minimum standard necessities indicated above, I was also denied medical treatment. Officer Wagner did not allow me to eat breakfast or lunch on June 8, 11, 12, and July 6, 7, 8, and 9, 2012. Officer Prichard has not allowed me to eat on

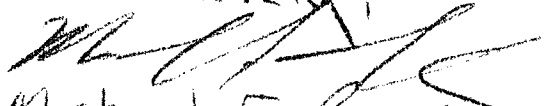
pg II
7/9/12

June 7, 8, 9, 11, 12, 14, 17, 29, 30, and July 8, and 9, 2012. As a direct result of officers Prichard and Wagner depriving me of food, I am losing weight, have become sick and dizzy. I have dropped several request for sick-call and have filed numerous Grievances regarding this matter. No thing has been done to resolve these serious life threatening issues.

As such, I am asking that you take immediate action to ensure that I am receiving every meal, every day, and that I am provided with medical treatment to determine how much permanent damage I have sustained as a result of officers Prichard and Wagner depriving me of food.

Finally, by depriving me of food, officers Prichard and Wagner are also interfering with my right to practice my religion because food service will remove me from the Kosher meal list for missing meals.

Thank you for your time in this matter.

Sincerely,

Michael E. [unclear]